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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,397	03/12/2004	Satoshi Kajita	2004-0379A	6059
513 7590 03/31/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
PHILIPPE, GIMS S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,397

Applicant(s)

KAJITA ET AL.

Examiner

Gims S. Philippe

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 22, 23 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-21, 24 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 6/17/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

This is a first office action in response to application no. 10/798,397 filed on March 12, 2004 in which claims 1-29 are presented for examination.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-6, 11 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by (Brockmeyer et al. US Patent no. 6,690,835).

Regarding claims 1, 11, 17 and 24, Brockmeyer discloses an information terminal unit operable to capture and transmit the first information terminal unit-captured image to a second information terminal unit (See Abstract), the information terminal unit comprising an image input unit operable to capture the first information terminal unit-captured

Art Unit: 2621

image (See col. 1, lines 17-22); a characteristic-detecting unit operable to detect characteristics from the first information terminal unit-captured image that has been captured by said image input unit, thereby generating characteristic information (See fig. 8, motion estimating unit, col. 4, lines 46-50); an image-encoding unit operable to encode the first information terminal unit-captured image that has been captured by said image input unit (See fig. 8, encoding unit, col. 4, lines 53-56 and col. 11, lines 14-25); and an encoded information-transmitting unit operable to transmit encoded image information to said second information terminal unit, the encoded image information being produced by said image-encoding unit (See col. 11, lines 2-13), wherein said characteristic-detecting unit controls, using the characteristic information, said image-encoding unit in encoding the first information terminal unit-captured image (See col. 11, lines 14-25).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, 7, 9, 13, 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockmeyer et al. (US Patent no. 6690835) in view of Kleider et al. (US Patent no. 6154489).

As per claims 7, 9, 20, Brockmeyer discloses an information terminal operable to receive an encoded, second information terminal unit-captured from a second information terminal unit, information unit comprising an encoded information-receiving unit operable to receive the encoded, second information terminal unit-captured image (See fig. 2, new code section, col. 8, lines 21-22 and 29-33); an image-decoding unit operable to decode the encoded, second information terminal unit-captured image received by said encoded information-receiving unit, thereby producing a second information terminal unit-captured image (See col. 11, lines 1-13); and an image-displaying unit operable to display thereon the second information terminal unit-captured image that has been produced by said image-decoding unit, (See col. 1, lines 30-34 and col. 12, lines 4-7).

It is noted that Brockmeyer is silent about the detecting characteristics from a second information terminal unit-captured image that has been produced by said image-decoding unit, thereby generating characteristic information; wherein said characteristic-detecting unit is operable to control, using the characteristic information, a number of images to be transmitted from said image-decoding unit to said image-displaying unit, each of the images being composed of the second information terminal unit-captured image.

However, Kleider discloses a characteristics from a terminal unit-captured image that has been produced by an image-decoding unit, thereby generating characteristic information; wherein said characteristic-detecting unit is operable to control, using the characteristic information, a number of images to be transmitted from said image-

decoding unit to said image-displaying unit, each of the images being composed of the second information terminal unit-captured image (See Kleider col. 7, lines 21-45).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Brockmeyer's decoding step of the image information terminal by incorporating Kleider's steps of generating characteristic information; wherein said characteristic-detecting unit is operable to control, using the characteristic information, a number of images to be transmitted from said image-decoding unit to said image-displaying unit, each of the images being composed of the second information terminal unit-captured image. The motivation for performing such a modification in Brockmeyer is to decide and calculate whether to change the transmit parameters to better improve the image quality at the receiver as taught by Kleider (See col. 7, lines 43-50).

As per claims 2-5, 13, 15, 18, most of the limitations of these claims have been noted in the above rejection of claims 1 and 17. In addition, since Brockmeyer discloses that the amount of power consumed by the digital system depends on the encoding method (See col. 11, lines 14-26), and since Brockmeyer further notes that using smaller basic elements to be processed for encoding a video frame, is done in order to obtain a more power consumption optimal architecture as smaller basic elements results in smaller memories to be accessed frequently, it is therefore, considered as inherent that Brockmeyer provides a characteristic unit operable to change the encoding steps and the condition of the motion vector search.

4. Claims 6, 8, 13-14, 16, 19, 21, 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockmeyer et al. (US Patent no. 6690835) in view of Ohira et al. (US Patent Application Publication no. 2002/0101397 A1).

Regarding claims 6, 8, 19 and 21, most of the limitations of these claims have been noted in the above rejection of claim 1.

It is noted that Brockmeyer is silent about changing the image display pattern in the image display unit in accordance with the characteristic information, the image display pattern including a number of displayed images and luminance of image displaying as specified in the claims.

However, Ohira discloses an image displaying unit uncluding changing the image display pattern in the image display unit in accordance with the characteristic information, the image display pattern including a number of displayed images and luminance of image displaying (See Ohira paragraph [0021] [0023]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Brockmeyer's information terminal by incorporating Ohira's step of changing the image display pattern in the image display unit in accordance with the characteristic information, the image display pattern including a number of displayed images and luminance of image displaying. The motivation for performing such a modification in Brockmeyer is to be able to perform screen adjustment by the use with the use of an input device thereby improving user's operability as taught by Ohira (See Ohira paragraphs [0012-0013]).

As per claims 13-14, 16, and 26-29, most of the limitations of these claims have been noted in the above rejection of claims 1 and 17.

It is noted that Brockmeyer is silent about controlling the starting and stopping of characteristic detection, and comparing the first information terminal unit-captured image with a previously prepared template.

However, Ohira discloses an image displaying unit including controlling the starting and stopping of characteristic detection, and comparing the first information terminal unit-captured image with a previously prepared template (See Ohira paragraph [0043-0044]). The applicant should note that the pattern can be the claimed "face"; and in order to perform pattern adjustment, the pattern should be preloaded.

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Brockmeyer by incorporating Ohira's step of controlling the starting and stopping of characteristic detection, and comparing the first information terminal unit-captured image with a previously prepared template. The motivation for performing such a modification in Brockmeyer is to provide a display pattern recognition region to respond in a predefined way when a user operates an adjustment button as taught by Ohira (See Ohira paragraph [0028]).

5. Claims 12, 22 and 25 are allowed.

6. Claims 10 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zhang et al. (US Patent no. 6999432) teaches channel and quality of service adaptation for multimedia over wireless networks.

Kang et al. (US Patent no. 6778606) teaches selective motion estimation method and apparatus.

Vaccaro et al. (US Patent no. 5323402) teaches programmable systolic BCH decoder.

Zhang et al. (US Patent no. 7096034) teaches system and method for reducing power consumption for wireless communications by mobile devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2621

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